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August 14, 2024

By ECF

The Honorable Katherine P. Failla, U.S.D.J.
United States District Court for the
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 618
New York, NY 10007

Re: Securities and Exchange Commission v. Brda, et al., No. 24 Civ. 4806 (KPF) –
Consent Letter-Motion for Extension of Time

Dear Judge Failla:

We represent defendant John Brda in above-referenced matter. In accordance with paragraph 2.C.i. of Your Honor's Individual Rules of Practice in Civil Cases, we write with the consent of counsel for all parties to respectfully request an amendment of the briefing schedule on defendants' motions to transfer this action to the U.S. District Court for the Eastern District of Texas, filed on August 8, 2024 (ECF Nos. 17, 22), and an extension of defendants' current August 26, 2024 deadline to answer, move, or otherwise respond to the complaint (ECF Nos. 10, 11). As reflected in the stipulation submitted with this letter-motion, all parties consent to the requested extensions. The parties have not previously requested any extension of these deadlines, and the requested extensions will not interfere with any other deadlines in this case.

The SEC filed the complaint on June 25, 2024. ECF No. 1. Counsel for defendants thereafter waived formal service of the complaint, resulting in an initial deadline to respond to the complaint of August 26, 2024. ECF Nos. 10, 11; *see* Fed. R. Civ. P. 4(d)(3). On August 8, 2024, defendants moved to transfer this action to the Eastern District of Texas pursuant to 28 U.S.C. § 1404(a). *See* ECF Nos. 17-19, 22-23. Under Local Civil Rule 6.1(b), any opposition to the motions currently is due to be filed on or before August 22, 2024, and any reply in further support of the motions currently is due to be filed on or before August 29, 2024.



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The parties request a slight adjustment of the foregoing deadlines. With respect to the motions to transfer, the SEC requests, with defendants' consent, an extension of the deadline to file any opposition until September 4, 2024, in light of other professional obligations and the intervening Labor Day weekend, as well as to allow sufficient time to review and assemble evidence to support the SEC's response to the motions to transfer. Defendants are not requesting additional time beyond the seven days contemplated under Local Civil Rule 6.1(b) to file any reply, meaning that their deadline to file replies in further support of the motions would be September 11, 2024, if the Court were to grant the SEC's requested extension.

Defendants also request, with the SEC's consent, an extension of defendants' current deadline to respond to the complaint until October 10, 2024. Defendants request this extension in light of the ongoing briefing on the motions to transfer; defendants' continuing assessment of the complex legal and factual issues raised in the 46-page, five-count complaint arising under the federal securities laws; and other pre-existing professional obligations.

As noted, we have submitted with this letter motion a stipulation and proposed order for the Court's convenience. We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Steven M. Rosato

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